



FILED

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Kevin L. Smith

CLERK

of the supreme court,
court of appeals and
tax court

FRIEDLANDER, Judge

Following a bench trial, Richard King appeals his conviction for Invasion of Privacy, a class A misdemeanor.¹ He presents the following restated issue for review: Did the State present sufficient evidence to establish King knowingly violated a no contact order issued as a condition of probation?

We affirm.

On January 18, 2007, pursuant to a plea agreement, King was convicted of domestic battery, a class A misdemeanor, and sentenced to 365 days, with 60 days executed and 305 days suspended to probation. Thus, he received time served and commenced his probationary period on that date. Also pursuant to the plea agreement, on that date, the court entered a no contact order while on probation, prohibiting King from having contact with the victim, Shanti Maclin.

Thereafter, on April 1, 2007, King violated the no contact order by going to Maclin's residence to take a lawn mower that was jointly owned by them. For this act, King was subsequently charged and convicted of invasion of privacy, a class A misdemeanor, following a bench trial. King now appeals.

On appeal, King does not dispute that there was a valid no contact order in place or that he violated the order by going to Maclin's residence. Rather, he argues only that the State failed to present sufficient evidence that King had knowledge of the no contact order that was issued against him. Specifically, King notes that he did not sign the acknowledgment on the back of the no contact order at issue in this case.

¹ Ind. Code Ann. § 35-46-1-15.1 (West, PREMISE through 2007 1st Regular Sess.).

When reviewing the sufficiency of the evidence, we will not reweigh the evidence or judge the credibility of witnesses. *Alkhalidi v. State*, 753 N.E.2d 625 (Ind. 2001). We only consider the evidence most favorable to the judgment and the reasonable inferences that can be drawn therefrom. *Corbin v. State*, 840 N.E.2d 424 (Ind. Ct. App. 2006). Moreover, we will affirm the trial court if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. *Alkhalidi v. State*, 753 N.E.2d 625.

I.C. § 34-46-1-15.1(6) provides, in relevant part, that “[a] person who knowingly or intentionally violates ... a no contact order issued as a condition of probation ... commits invasion of privacy, a class A misdemeanor”. It was therefore the State’s burden to prove beyond a reasonable doubt that King knowingly or intentionally violated the no contact order.

King argues that his conviction should be overturned because there is no evidence in the record establishing that he had actual knowledge of the no contact order. To be sure, the evidence presented by the State on this element was needlessly slender. We find sufficient evidence in the record, however, from which the trial court could have reasonably inferred that King knew of the no contact order issued as a condition of his probation.

The evidence reveals that at the time of King’s conviction and sentencing pursuant to a plea agreement on January 18, 2007, the no contact order was issued as a condition of King’s probation. The no contact order, while not signed by King, provides that King was present in person and by counsel at the time of its issuance. Moreover, the no

contact order specifically indicates that the plea agreement called for the issuance of the no contact order as a condition of probation. *See The Exhibits* at 6 (“the Court having approved a plea agreement specifying a No Contact Order as a condition of probation”). These facts constituted sufficient evidence for the trial court to convict King of invasion of privacy.

Judgment affirmed.

BAILEY, J., and KIRSCH, J., concur.